

In claim 25 please place a period at the end of the claim.

In claim 26 please place a period at the end of the claim.

In claim 27 please place a period at the end of the claim.

In claim 28 please place a period at the end of the claim.

(B) ✓ 32. (Amended) The article of claim 31 in the form of a monolithic glazing panel, a plasma-screen substrate, and an electroluminescent-screen substrate[; an electroluminescent-screen substrate] or a cold-cathode-screen substrate.

REMARKS

Claims 19-20 and 23-32, as amended, are pending in this application for the Examiner's review and consideration. The specification was amended to correct typographical errors where a period was inadvertently used to represent multiplication. Claim 19 was amended to recite specific ranges for the components of the glass composition of the invention (*See, e.g.*, Specification, original claims 25 and 26). Claim 19 was also amended to include the features of canceled claims 21-22 and to recite that the amount of B_2O_3 is between 0 and 3% (*See, e.g.*, Specification, page 11, lines 36-38). Claim 24, was amended to correct a typographical errors where a period was inadvertently used to represent multiplication and to include a period at the end of the claim. Claims 25-28 were amended to include a period at the end of each claim. Claim 32 was amended to delete the phrase "an electroluminescent-screen substrate" that was inadvertently repeated twice in the claim. No new matter has been added by these claim amendments so that their entry at this time is warranted.

The disclosure was objected to for various typographical errors. Applicants have amended the specification, as suggested by the Examiner, to correct the typographical errors.

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Claims 19-32 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,990,023 to Siedel ("Seidel"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Siedel does not constitute prior art under 35 U.S.C. § 102(e). Siedel has a filing date of March 11, 1998. In contrast, the present application claims priority under 35 U.S.C. § 119 to German Application No. 197 10 289.1, filed, March 13, 1997, French Application No. 97/05364, filed April 30, 1997, and French Application No. 97/07521, filed June 17, 1997 thus, the effective filing date for the present application precedes the effective date of Seidel. Since the filing date of Siedel is not earlier than the effective filing date of the present application, it cannot constitute prior art. Applicants respectfully direct the Examiner's attention to section 715 of the MPEP that recites "[w]here the effective filing date of applicant's or patent owners parent application or an International Convention proved filing date is prior to the effective date of the reference, an affidavit or declaration under 37 C.F.R. 1.131 is unnecessary because the *reference is not used*" (emphasis added). Applicants note that the Examiner states that he has received certified copies of the two French-filed applications but has not received a certified copy of German Application No. 197 10 289.1. Applicants enclose herewith a certified copy of German Application No. 197 10 289.1. Furthermore, English translations of these priority documents will be submitted. Siedel does not constitute prior art under 35 U.S.C. §102(e) and the rejection of claims 19-32 under 35 U.S.C. §102(e) should be withdrawn.

Claims 19-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO 96/11887 to Koch et al. ("Koch"). Applicants respectfully traverse the rejection.

Koch discloses a heat resistant glass (*See, e.g.*, Koch, column 1, lines 5-7). The glass composition comprises SiO₂ (45-68%), Al₂O₃ (0-20%), ZrO₂ (0-20%), B₂O₃, (0-10%), Na₂O (2-12%), K₂O (3.5-9%), CaO (1-13%) and MgO (0-8%) (*See, e.g.*, Koch, column 1, line 65 to column 2, line 10).

The Examiner alleges that Koch discloses a glass that has overlapping ranges with the components of the claimed glass compositions and that the characteristics of the glass are determined by the composition. Koch, however does not disclose the glass composition or the parameters recited in independent claim 19, as amended. For example, Koch does not disclose or suggest a glass composition having between 55 and 75% SiO₂ and a strain point energy of greater than 570°C as recited in independent claim 19. Koch merely discloses that his glass composition can have a strain point energy of equal to or greater than approximately 530°C (*See, e.g.*, Koch, column 2, lines 20-21). There is, however, no

disclosure of a strain point energy of greater than 570°C and a SiO₂ content of greater than 55%. In the examples disclosed in Koch it is clear that his compositions only have a strain energy point greater than 570°C when the amount of SiO₂ is less than 55% (*See, e.g.*, Koch, column 7, Tables 1 and 2). Applicants note that when the amount of SiO₂ is below 55% the resulting glass is insufficiently stable (*See, e.g.*, Specification, page 11, page 18-20).

Applicants have unexpectedly discovered that a glass composition having greater than 55% SiO₂ can also have a strain point energy of greater than 570°C. Koch is completely silent as to a glass composition having more than 55% SiO₂ and a strain point energy of greater than 570°C, as presently claimed. Indeed, his examples actually teach away from such a composition and clearly provide no reasonable expectation that such a composition could be successfully manufactured.

Furthermore, Applicants note that examples 3-4 of Koch have values for B₂O₃ that are outside of the range recited in independent claim 19, as amended. Similarly, examples 5-8 of Koch all have values for Al₂O₃ outside of the range recited in independent claim 19, as amended; claims 9-11 have values for ZrO₂ outside of the range recited in independent claim 19, as amended; and claims 11 and 12 have a value for α outside of the range recited in independent claim 19. Thus, each of the compositions disclosed in the examples in Koch have a different composition or different properties than the claimed composition. Applicants respectfully submit that Koch does not disclose or suggest the glass composition of the invention or the properties of the glass composition recited in claim 19, as amended. For the above reasons, Applicants respectfully request that the rejection of claims 19-32 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Claims 19-32 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of Siedel. Applicants respectfully submit that the obviousness-type double patenting rejection is inappropriate in the present case since, as explained above, Siedel does not constitute a prior art reference. Thus, the rejection of claims 19-32 under the judicially created doctrine of obviousness-type double patenting should be withdrawn.

Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner disagree, Applicants respectfully request that the Examiner call the

undersigned attorney for Applicants to arrange for a telephonic or personal interview to discuss any remaining issues and expedite the allowance of this application.

A Petition to Extend time for 3 months to September 31, 2000 with provision for the required fee is submitted concurrently herewith.

No fees are believed due for this submission. Should any fees be due, however, please charge the required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

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Date October 2, 2000 for Cellenic Service 30,256
Allan A. Fanucci (Reg. No.)

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Enclosure